

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15447 of the SCI Corporation, pursuant to 11 DCMR 3108.1, for a special exception under Section 508 to allow an addition to an existing office building in an SP-1 District at premises 1724 Massachusetts Avenue, N.W., (Square 158, Lot 80).

HEARING DATE: February 13, 1991
DECISION DATE: March 6, 1991

FINDINGS OF FACT:

1. The subject site is located on the south side of Massachusetts Avenue, N.W. between 17th and 18th Streets, immediately east of Dupont Circle. The property is known as 1724 Massachusetts Avenue, N.W., located in an SP-1 District.

2. The subject property, Lot 80 (formerly Lots 827, 828 and 829), is rectangular in shape with a lot area of 8,244 square feet and approximately 70 feet of frontage on Massachusetts Avenue. The rear of Lot 80 abuts a public alley that varies in width from 26 to 23 feet and provides access from 17th Street to the interior of the square.

3. The subject site is improved with a seven-story office building constructed in 1979 pursuant to Board of Zoning Adjustment Order No. 12583. The building is 73.5 feet in height and contains approximately 45,338 square feet of gross floor area. There are seven floors of office space and two underground parking levels which are accessed from the public alley at the rear of the building.

4. The entrance to the structure is by way of a landscaped plaza on Massachusetts Avenue. The first floor at street level has an eight-foot deep arcade while the plaza on Massachusetts Avenue is landscaped at the sidewalk level.

5. The rear of the subject structure contains a loading berth that is accessed from the public alley and which allows trucks to park on the property without impeding alley traffic.

6. The subject site is located in the Dupont Circle neighborhood. The SP District in which this site is located extends generally along Massachusetts Avenue between Dupont Circle to the west and Mt. Vernon Square to the east, and along 16th Street, N.W. between Lafayette Square and Q Street.

7. The subject building serves as the headquarters for the National Cable Television Association (NCTA). NCTA has been the

only tenant at the premises since completion of the building in 1981.

8. The applicant is requesting a special exception under Section 508 of 11 DCMR to allow modification to the existing office building. Approval is requested for a proposal to partially enclose the street level arcade and to remove a portion of the second floor slab to allow for the construction of a new 1,500 square feet conference center. The proposal involves alteration of the first floor facade by moving the existing glass wall six feet forward to create additional interior space to accommodate the new conference center. As modified, however, the glass wall would remain underneath the projecting bays.

9. The modification is intended to accommodate the specific needs of NCTA which will continue to occupy the subject premises for at least another 20 years. In seeking this special exception to accommodate NCTA, the applicant specifically requests the right to restore the facade and the second floor slab to their original state as approved by BZA Order No. 12583 without further Board approval in the event that NCTA vacates the premises.

10. The applicant testified that the requirements of Section 508 have been met. The provisions of Section 508 are as follows:

508 OFFICE USES (SP)

- 508.2 An office for an international organization, non-profit organization, labor union, architect, dentist, doctor engineer, lawyer, or similar professional person, shall be permitted in an SP district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in Section 3108 of Chapter 31 of this title, subject to the provisions of this section.
- 508.2 Each application shall be referred to the Office of Planning in accordance with the provisions of Section 500.6
- 508.3 The use, height, bulk, and design shall be in harmony with existing uses and structures on neighboring property.
- 508.4 The use shall not create dangerous or other objectionable traffic conditions.
- 508.5 The Board may require special treatment in the way of design, screening of buildings, accessory uses, signs, and other facilities as it shall deem necessary to protect the value of neighboring property.

11. The National Cable Television Association is a non-profit organization. The association will continue to use the premises for office space. A representative of the Association testified that the location of the office building is exceptional, however, the NCTA is in great need of a conference center that can accommodate its meeting and specialized audio visual needs.

12. The architect for the project testified that the proposed modification will slightly decrease the building's floor area ratio (FAR) because a portion of an existing floor plate will be removed.

13. The applicant testified that there are several different kinds of buildings on Massachusetts Avenue between 17th and 18th Streets. The northern side of this block is devoted to a combination of residential and commercial uses. The Brookings Institution and the building at 1717 Massachusetts Avenue are both ninety feet high. In addition, there are three large, ninety foot apartment buildings on the north side - the Winthrop House at 1727, the Boston House at 1711, and the Bay State at 1701. At 1785 Massachusetts Avenue there is a historic landmark building presently owned by the National Trust for Historic Preservation. This building will be used for office space. The south side of Massachusetts Avenue between 17th and 18th Streets is devoted primarily to office and institutional uses. There is the Johns Hopkins School of Advanced International Studies and the Yater Clinic which is an office building. Also located in this block are the Canadian Embassy/Chancery at 1746 Massachusetts Avenue and the Peruvian Chancery, located at 1700 Massachusetts Avenue. The building heights vary on the south side of the block. The more recent buildings near 18th Street are at or near the permitted height of ninety feet. The Canadian Embassy is approximately eighty-five feet high. Those structures immediately adjacent to this site are approximately fifty feet high or less. The applicant pointed out that the Board previously found that the use, height, bulk and design of the building at the subject site to be in harmony with the existing uses and structures on neighboring properties. The applicant stated that the proposed minor modification will not disturb the compatibility of the building with the surrounding neighborhood.

14. The applicant testified that the NCTA does not intend to expand the number of people working on, or travelling to, the premises on a regular basis. And the proposed modification will not significantly alter the previously approved use of the premises. Accordingly, the proposed use will not disturb the harmony between the existing structure and the mix of uses currently found in the neighborhood. Nor will it create dangerous or other objectionable traffic conditions.

15. A representative of NCTA testified that she discussed the proposal with representatives of Advisory Neighborhood Commission

(ANC) 2B and the Dupont Circle Conservancy. She also spoke with the neighbors to the immediate east and west of the site. No one expressed opposition to the modification.

16. The property is located in the Massachusetts Avenue Historic District. The Historic Preservation Review Board (HPRB) adopted its staff Report and Recommendation dated April 18, 1990, recommending approval of the project's conceptual design. The report stated that the applicant has proposed to move an existing glass wall six feet, six inches forward to create more interior space. The glass wall would still be underneath the projecting bays. After consultation with the HPRB staff, the applicant has agreed to recess the glass so that it is behind the masonry piers, approximately 2-3 feet behind the projection line of the bays. The report further stated that the building was constructed in the 1970's and does not contribute to the historic district.

17. The applicant indicated that the materials to be used will be reviewed by the HPRB at a later stage in the review process.

18. The Office of Planning (OP), by memorandum dated February 5, 1991, recommended approval of the subject application. OP is of the opinion that the modification will be minor and the building will remain compatible with existing structures in the area. OP stated that the proposed addition will total approximately 294 square feet in floor area and will seat a maximum of 85 persons. OP pointed out however, that the intended use of the space is for internal NCTA meetings. Because of the proposed use, OP believes that the modification will not create dangerous or other objectionable traffic conditions.

Because the proposed modification primarily involves the slight extension of a glass wall at street level which would not change the design of the building, OP believes that any special treatment to the building would not be necessary. OP is of the opinion that the requirements of 11 DCMR 508 have been met by the application.

19. Advisory Neighborhood Commission 2B did not submit a written report in the application, nor did a representative appear at the hearing to testify on behalf of ANC 2B.

20. A resident of 1701 Massachusetts Avenue, N.W. testified in opposition to the application, on his own behalf and on behalf of the Bay State Tenants Association. He pointed out that the area is in an historic district and that there has been a steady demise of the historically significant architecture in the district. In his view, the Zoning Regulations do not protect the historical characteristics or the residential component of the area. He believes that the subject building is out of harmony with the

entire block and any expansion should not take place on site, but should involve the use of larger existing office facilities.

21. No testimony in support of the application was presented at the hearing.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and evidence of record, the Board concludes tht the applicant is seeking a special exception to allow the modification of an existing office building and the later restoration of the structure to its original design. The granting of such a special exception requires a showing through substantial evidence that the proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property. Section 508 regulating offices uses in SP districts must also be met.


The Board concludes that the applicant has met the burden of proof. The Board concludes that the property is located in the Special Purpose district which permits office uses as a special exception. In the Board's view, the proposed modification is minor and will not significantly alter the established office use. The Board therefore concludes that the proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property. The Board further concludes that the provisions of 11 DCMR 508 have also been met.

In accord with the above, it is hereby ORDERED that the application is GRANTED, SUBJECT to the CONDITION that, in the event that the building is vacated, the facade of the building and the second floor slab may be restored to their original condition as approved by BZA Order No. 12583 without further BZA approval.

VOTE: 3-0 (Sheri M. Pruitt, Paula L. Jewell and Charles R. Norris to grant; Carrie L. Thornhill not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



EDWARD L. CURRY
Executive Director

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AUG 16 1991

FINAL DATE OF ORDER: _____

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15447Order/TWR/bhs

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As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on AUG 16 1991 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Allison C. Prince, Esquire
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A handwritten signature in dark ink, appearing to read 'E. Curry', written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: AUG 16 1991

15447Att/bhs